

REMARKS

Applicant is in receipt of the Office Action mailed June 4, 2003.

Information Disclosure Statement

The Office Action states that the Information Disclosure Statement filed March 29, 2001, fails to comply with the rules because the references cited therein do not constitute prior art. In that Office Action, Applicant had submitted related applications to be considered for possible double patenting rejections, not for prior art reasons. Applicant notes that a non-statutory double patenting rejection has in fact been made with respect to one of these applications. Thus, Applicant presumes that these related patent applications have been considered with respect to double patenting.

Double Patenting Rejection

Claim 1 was provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 1 of co-pending application Serial No. 09/737,639. Applicant respectfully submits that claim 1 of the present application, as amended, is patentably distinct over the claims in 09/737,639. In particular, claim 1 as amended recites "automatically configuring the graphical program to perform at least one of: 1) receiving data from the specified data source; and/or 2) publishing data to the specified data target . . . wherein the graphical program includes a block diagram comprising a plurality of connected nodes, wherein the connected nodes visually represent functionality of the graphical program, wherein said automatically configuring comprises automatically configuring the block diagram." Applicant submits that this automatic or programmatic configuration of a graphical program based on the data source or data target is a novel and unobvious feature that is not found in co-pending application Serial No. 09/737,639. Applicant submits that configuration of a graphical program or block diagram is quite different than configuring a GUI element.

Section 103 Rejections

Various of the claims were rejected under §102 as being unpatentable over U.S. Patent No. 5,339,392 to Risberg et al. Applicant submits that the present claims, as amended, are allowable over Risberg.

Claim 1, as amended, recites as follows:

1. (Currently Amended) A method for configuring a graphical program to publish or subscribe to a data target or data source, respectively, the method comprising:

receiving user input specifying at least one of a data source or data target;

automatically configuring the graphical program to perform at least one of: 1) receiving data from the specified data source; and/or 2) publishing data to the specified data target

wherein the graphical program includes a block diagram comprising a plurality of connected nodes, wherein the connected nodes visually represent functionality of the graphical program, wherein said automatically configuring comprises automatically configuring the block diagram;

wherein said automatically configuring is performed based on the user input specifying at least one of a data source or data target.

Applicant respectfully submits that claim 1 is allowable over the Risberg patent. In particular, claim 1 recites “automatically configuring the graphical program”. The Risberg patent does not teach or suggest the concept of a graphical program or of configuring a graphical program. Claim 1 further recites “wherein the graphical program includes a block diagram comprising a plurality of connected nodes, wherein the connected nodes visually represent functionality of the graphical program, wherein said automatically configuring comprises automatically configuring the block diagram.” This is also not taught or suggested in Risberg. Thus, Applicant submits that claim 1 and those dependent thereon are allowable. Applicant submits that claims 24 and 31 and those dependent thereon are also allowable for at least these reasons.

Claim 16 recites, in part, “receiving user input specifying a data source, wherein the user input is received to a block diagram of the graphical program, wherein the block diagram comprises a plurality of connected nodes, wherein the connected nodes visually represent functionality of the graphical program.” As noted above, the Risberg patent

does not teach or suggest the concept of a graphical program or of providing input to a block diagram of the graphical program. Thus, Applicant submits that claim 16 and those dependent thereon are allowable.

CONCLUSION

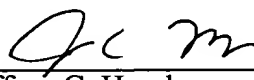
Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-50900/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Check in the amount of \$ for fees ().
- ☐ Other:

Respectfully submitted,



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